

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Nochus H.M. Berry,

Plaintiff,

v.

Perdue Farms, Inc. and Perdue Transportation,
Inc.,

Defendants.

Case No. 4:19-cv-794-SAL

ORDER

This matter is before the Court for review of the June 29, 2020 Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). In the Report, the Magistrate Judge recommends the alternative relief sought by Defendants in their Motion, ECF No. 48, be granted and that the Court dismiss Plaintiff’s Complaint with prejudice.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note). After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the

Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, this Complaint is DISMISSED with prejudice and the alternative relief sought by Defendants is GRANTED.

IT IS SO ORDERED.

September 22, 2020
Florence, South Carolina

s/Sherri A. Lydon
United States District Judge